

# ATTACHMENT

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

BMG MUSIC, a New York general  
partnership; MAVERICK RECORDING  
COMPANY, a California joint venture;  
SONY BMG MUSIC ENTERTAINMENT,  
a Delaware general partnership; VIRGIN  
RECORDS AMERICA, INC., a California  
corporation; UMG RECORDINGS, INC., a  
Delaware corporation; ARISTA RECORDS  
LLC, a Delaware limited liability company;  
CAPITOL RECORDS, INC., a Delaware  
corporation; and MOTOWN RECORD  
COMPANY, L.P., a California limited  
partnership,

Plaintiffs,

vs.

LEAH MOBLEY,

Defendant.

Civil Action No.: 3:07-cv-00014-MEF-WC

**DECLARATION OF KELLY F. PATE IN SUPPORT OF**  
**PLAINTIFFS' REQUEST TO ENTER DEFAULT**

I, Kelly F. Pate, declare:

1. I am an attorney at law licensed to practice before the Courts of the State of Alabama and this United States District Court. I am an attorney in the law firm of Balch & Bingham LLP, attorneys for Plaintiffs. Unless otherwise stated, I have personal knowledge of the following facts and, if called and sworn as a witness, could and would competently testify thereto.

2. On January 3, 2007, Plaintiffs filed the Complaint in this case against Defendant. Attached hereto as Exhibit A is a true and correct copy of the proof of service on file with the

Court, reflecting that Defendant was served with the Summons and Complaint on April 9, 2007, by personal service.

3. More than 20 days have elapsed since the date on which service of the Summons and Complaint was effective.

4. Neither Plaintiffs nor the Court have granted Defendant any extension of time to respond to the Complaint.

5. Defendant has failed to answer or otherwise respond to the Complaint, or serve a copy of any answer or other response upon Plaintiffs' attorneys of record.

6. I am informed and believe that Defendant is not an infant or incompetent person.

7. A search for Defendant's name was conducted through the Defense Manpower Data Center, Servicemembers Civil Relief Act database. That search revealed no evidence that Defendant is in the military service.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 2<sup>nd</sup> day of May, 2007 at Montgomery, Alabama.

  
\_\_\_\_\_  
Kelly E. Pate

ATTACHMENT TO DECLARATION  
OF KELLY PATE

IN THE  
UNITED STATES DISTRICT COURT, MIDDLE DISTRICT OF ALABAMA

BMG MUSIC, A NEW YORK GENERAL  
PARTNERSHIP; ET AL.,

Plaintiff/Petitioner

vs.  
LEAH MOBLEY

Defendant/Respondent

Hearing Date:

CAUSE NO: **3:07CV14-MEF**

DECLARATION OF SERVICE OF:  
NOTICE TO DEFENDANT; SUMMONS; COMPLAINT FOR  
COPYRIGHT INFRINGEMENT; EXHIBITS; CORPORATE  
DISCLOSURE STATEMENT; REPORT ON THE FILING OF  
DETERMINATION OF AN ACTION OR APPEAL RE A  
COPYRIGHT

RECEIVED

2007 APR 18 P 12:31

U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA

The undersigned hereby declares: That s(he) is now and at all times herein mentioned was a citizen of the United States, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, and is competent to be a witness therein.

On the 9th day of April, 2007, at 4:57 PM, at the address of **1960 LEE ROAD 137 LOT 512, AUBURN, Lee County, AL 36832**; this declarant served the above described documents upon **LEAH MOBLEY**, by then and there personally delivering 1 true and correct copy(ies) thereof, by then presenting to and leaving the same with **LEAH MOBLEY, A white female approx. 21-25 years of age 5'2"-5'4" in height weighing 100-120 lbs with brown hair.**

No Information was provided or discovered that indicates that the subjects served are members of the U.S. military.

Declarant hereby states under penalty of perjury under the laws of the State of **Alabama** that the statement above is true and correct.

DATED this 10th day of April, 2007.

  
Daniel Johnson, AL

ABC's Client Name  
**Holme, Roberts & Owen RIAA**  
(PFI)  
**Leah Mobley**

ORIGINAL PROOF OF  
SERVICE

ABC Tracking #: **4220580**



IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

BMG MUSIC, a New York general  
partnership; MAVERICK RECORDING  
COMPANY, a California joint venture;  
SONY BMG MUSIC ENTERTAINMENT,  
a Delaware general partnership; VIRGIN  
RECORDS AMERICA, INC., a California  
corporation; UMG RECORDINGS, INC., a  
Delaware corporation; ARISTA RECORDS  
LLC, a Delaware limited liability company;  
CAPITOL RECORDS, INC., a Delaware  
corporation; and MOTOWN RECORD  
COMPANY, L.P., a California limited  
partnership,

Plaintiffs,

vs.

LEAH MOBLEY,

Defendant.

Civil Action No.: 3:07-cv-00014-MEF-WC

**REQUEST TO ENTER DEFAULT**

TO THE CLERK OF THE COURT:

Plaintiffs hereby request that the Clerk enter default in this matter against Defendant on the ground that Defendant has failed to appear or otherwise respond to the Complaint within the time prescribed by the Federal Rules of Civil Procedure. Declaration of Kelly F. Pate ¶ 5.

Plaintiffs served the Summons and Complaint on Defendant on April 9, 2007, by personal service, as evidenced by the proof of service on file with this Court. Id. ¶ 2. Neither Plaintiffs nor the Court have granted Defendant any extensions of time to respond to the Complaint. Id. ¶ 4. Plaintiffs are informed and believe that Defendant is not an infant or incompetent person or in the military service. Id. ¶¶ 6-7.

Respectfully submitted,

DATED: May 7, 2007

s/Kelly F. Pate

Dorman Walker (Bar # WAL086)

Kelly F. Pate (Bar # FIT014)

BALCH & BINGHAM LLP

105 Tallapoosa St., Suite 200

P.O. Box 78 (36101-0078)

Montgomery, Alabama 36104

Telephone: (334) 269-3130

Fax: (334) 313-6056

ATTORNEYS FOR PLAINTIFFS

**CERTIFICATE OF SERVICE**

I hereby certify that I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing and/or that a copy of the foregoing has been served upon the following by United States Post Office depository on the 7th day of May, 2007.

Leah Mobley  
1960 Lee Road 137, Lot 512  
Auburn, Alabama 36832

/s/Kelly F. Pate  
Of Counsel